

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,

Plaintiffs,

vs.

TYSON FOODS, INC., et al.

Defendants.

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05-CV-0329 GKF-PJC

**DEFENDANT TYSON FOODS, INC.'S SECOND MARCH 6, 2009 REQUESTS
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

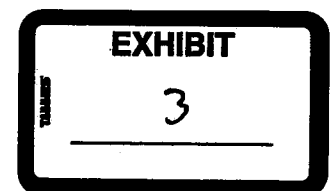
Defendant Tyson Foods, Inc. ("Tyson"), pursuant to Fed. R. Civ. P. 34, requests that the Plaintiffs produce the following documents within thirty (30) days:

INSTRUCTIONS

The following instructions shall apply to these Requests for Production of Documents:

1. You are to produce all documents in your possession, custody or control responsive to these requests including any and all responsive, non-privileged documents in the possession of independent contractors, agents, attorneys, paralegals, accountants, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control.

2. If any or all documents requested herein are no longer in your possession, custody, or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the person who sent and received



the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

3. If you contend that you are entitled to withhold from production any or all documents identified herein on the basis of the attorney/client privilege, the work-product doctrine, the non-testifying expert provisions of Rule 26(b)(4)(B) or other grounds, then do the following with respect to each and every document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the person who sent and received the original and a copy of the document; (d) state the subject matter of the document; and (e) state the basis upon which you contend you are entitled to withhold the document from production.

DEFINITIONS

The following definitions shall apply to these Requests for Production of Documents:

1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.
2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.
3. The terms “and” and “or” are both used in the inclusive sense; both require all information that meets the description of one or more of the disjunctive words or phrases.
4. “Document(s)” shall be used in its broadest sense as defined in Fed. R. Civ. P. 34(a) and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto. “Documents” also include lab reports, test results, QA/QC documents, chain of custody

documents, data compilations, maps, photographs, sketches, notes and drawings. "Documents" also include all electronically stored information.

5. The "Lawsuit" shall mean the action pending in the United States District Court for the Northern District of Oklahoma, Case No. 4:05-cv-00329-GKF-SAJ, and styled as *State of Oklahoma, et re., W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.*

6. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) you filed in the Lawsuit.

7. "You," "your" or "yourself" shall include the Plaintiffs and all independent contractors, agents, attorneys, paralegals, accountants, consultants, aides, servants, assistants, expert witnesses and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce any and all reports, including all drafts of such reports, reviewed or generated by Attorney General Drew Edmondson or other persons employed in or acting on behalf of the Office of the Oklahoma Attorney General (collectively the "AG Office"), relating to the August 2008 *E-coli* outbreak at the Country Cottage restaurant located in the Town of Locust Grove, Mayes County, Oklahoma (the "Outbreak"), and the AG Office's investigation of the Outbreak (the "Investigation").

REQUEST FOR PRODUCTION NO. 2: Please produce any communications within the AG Office relating to the Outbreak and/or the Investigation, including, but not limited to, e-mail correspondence and drafts of such communications.

REQUEST FOR PRODUCTION NO. 3: Please produce any communications by any person within the AG Office with third persons or parties relating to the Outbreak and/or the Investigation, including, but not limited to, e-mail correspondence and drafts of such communications.

REQUEST FOR PRODUCTION NO. 4: Please produce any and all data or information collected by the AG Office relating to the Outbreak and/or Investigation.

REQUEST FOR PRODUCTION NO. 5: Please produce any and all chains-of-custody relating to any samples or swabs of any kind collected by, on behalf of, or at the direction of the AG Office relating to the Outbreak and/or the Investigation.

REQUEST FOR PRODUCTION NO. 6: Please produce any and all analyses or analytical data and/or reports generated by, on behalf of, or at the direction of the AG Office relating to the Outbreak and/or the Investigation.

REQUEST FOR PRODUCTION NO. 7: Please produce any and all photographs taken by, on behalf of, or at the direction of the AG Office relating to the Outbreak and/or the Investigation.

REQUEST FOR PRODUCTION NO. 8: Please provide any notes made by AG Office personnel relating to the Outbreak and/or the Investigation.

REQUEST FOR PRODUCTION NO. 9: Please provide any documents or information received by the AG Office from other persons or organizations relating to the

Outbreak and/or the Investigation, including any recommended or requested response(s) to the Outbreak.

REQUEST FOR PRODUCTION NO. 10: Please provide any documents relating to, received, exchanged, or generated during any internal or external meetings attended by AG Office personnel relating to the Outbreak and/or the Investigation.

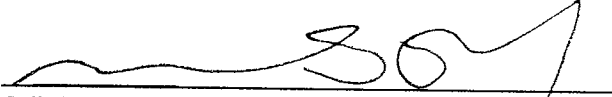
REQUEST FOR PRODUCTION NO. 11: Please provide any and all press releases, press materials, statements to the press, and any drafts thereof issued by the AG Office relating to the Outbreak and/or the Investigation.

REQUEST FOR PRODUCTION NO. 12: Please provide any and all communications by the AG Office with consultants relating to the Outbreak and/or the Investigation.

REQUEST FOR PRODUCTION NO. 13: Please provide any and all manuals, procedures, protocols, standards, or guidance documents used by the AG Office relating to the Outbreak and/or the Investigation.

REQUEST FOR PRODUCTION NO. 14: Please provide any and all documents given to the Oklahoma State Department of Health relating to sources of *E-coli* 0111.

Respectfully submitted,

By: 

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**ATTORNEYS FOR TYSON FOODS, INC.;
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CERTIFICATE OF SERVICE

I certify that on the 6th day of March, 2009, I electronically transmitted the attached document to the following ECF registrants:

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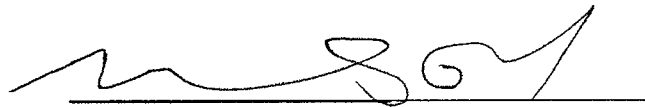
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COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118

A handwritten signature in black ink, appearing to read 'Michael R. Bond', is written over a horizontal line.

Michael R. Bond